

# WITNESS ISN'T SURE MURDERER DID NOT SERVE ON GRAND JURY

Henry Purdy, Member of Coroner's Investigating Body, Tells of Burying Evidence for Safe-keeping.

## ACTIONS OF INQUEST RECITED IN COURT

Doctor Who Conducted Autopsy and Several Others Examined Before Court Recedes to Monday.

San Francisco, N. M., Sept. 11.—Little of apparent importance was developed today in the trial of James L. Porter here for the murder of Ralph Connell, which he is charged with committing at a point near Tularosa, Otero county, in June, 1914. The most interesting feature of the day was a statement from Henry Purdy, a member of the coroner's jury, who testified that he was not sure the murderer might not be a member of a grand jury before which he had testified in Alamogordo last April.

Purdy described the examination of the body of Connell and his trip to the Porter ranch. When he arrived Connell's body was lying on the west of the road, nearly in front of the Porter residence. During the examination, Purdy said, he and twenty-five people were grouped around, among them Sheriff Hunter.

The jury had Dr. McDaniel strip the body, probe the wound and look for other wounds before they permitted it to be removed to the coroner's office. The jury later directed Dr. McDaniel to make an autopsy and was present when this was done.

**Body Not Touched.**  
Purdy said he examined Connell's clothing before the body was removed, finding \$135 in currency and a watch. He declared no weapon was found on Connell. The witness produced pieces of a bullet and said they were taken from the body of Connell. These were admitted in evidence. He said these pieces of bullet were not kept in his house, but having buried them in a field, he also knew of the location. Pieces of a bullet, Purdy said, were given to him by Owen Kelly after they were removed from Connell's body, but were not admitted as evidence on his identification.

Purdy related that the coroner's jury, led by Sincor Bruneau, juror of the peace and acting coroner, made a search of the Porter residence and surrounding grounds looking for someone who might have done the shooting and for any possible bullet hole in the window, door or screen. Two small caliber rifles and a forty-five caliber pistol and some cartridges were found in different places in the Porter residence. The pistol was loaded and bore no signs of recent firing, Purdy said.

**Saw Tally on Ranch.**  
The witness said he saw Mrs. Porter and Tally at the ranch, but of others that he thought lived on the place. He declared he did not see Porter on the day of the killing. Purdy thought he had testified before only one grand jury at Alamogordo, and that, but was not positive he had not testified before the third grand jury which returned the indictment. Purdy explained that after presenting the bullet fragments for identification, he was buried them in a field for safe-keeping, fearing that they might be taken from him or destroyed by violence. He testified that he did not know but that the man who did the killing might be a member of the grand jury, before which he testified. He added, "If it was a criminal and had killed one man I would not hesitate to kill a dozen others in order to destroy any evidence there was against him."

Dr. McDaniel, who conducted the autopsy on the body of Connell, testified to being called to view Connell's body, which he found lying by the side of the road in front of Porter's home. He made an examination, determining the cause of death, and the doctor described the autopsy performed after the body was removed to the coroner's office. The bullet being fired from a .38 Smith & Wesson revolver, he said, was not a .38 Smith & Wesson, but a .38 Smith & Wesson. He said that on account of the shattering and of the fact that it might have been deflected by the bones of the skull, it was wholly impossible to determine the direction of the bullet after striking the skull. He could not identify positively pieces of the bullet admitted in evidence, saying the big pieces apparently had been separated into small pieces, and it was impossible to identify them. Under cross-examination, the doctor said he was not with the body when he arrived, but that he had met a Mexican on his way back about a hundred yards from the body.

A. Almon, a photographer, of El Paso, testified to going to the Porter ranch with Sten, the surveyor, and making seven photographs. These pictures were offered in evidence and the court sustained the objection of the defense to their admission.

## THE WEATHER

FORECAST  
Weather, Sept. 11.—Now Mexico, Sunday and Monday fair and pleasant with light winds.

**LOCAL WEATHER REPORT.**  
For the twenty-four hours ending at 6 p. m. yesterday:  
Maximum temperature, 80 degrees; minimum temperature, 46; range, 34. Temperature at 6 p. m. yesterday, 74. Southwest winds, clear.

Porter's ranch on the morning of June 17 before the killing occurred, and said he saw both Porter and Tally there. He said he spoke to both and both spoke to him. One of the state's principal aims is to prove that Porter was at his home on June 17 before the killing occurred. Court took a recess after Hilburn was examined on Monday morning.

**Many Witnesses Subpoenaed.**  
The following are the witnesses who were subpoenaed by the state: W. H. Nichols, Dan Johnson, Mrs. Nora McGee, Mrs. Kate Worley, J. E. Higgins, the late Ralph Connell, Jim Reston, H. W. Parks, J. R. McGee, W. D. Fryer, Dr. John B. Calloway, Tom Boff, Jack C. Craven, Herbert Hall, Mrs. Ralph S. Connell, Florence Connell, Mrs. Ivan Key, William P. Sten, Almon J. Hook, James Roberts, Rita Duran, Jose Duran, Nona Balford, John Hilburn, A. Miral, James Hilburn, W. J. Pace, Francisco Salas, Juan Chavez, Miss C. Rasmussen, Fredrick Anderson, Sincor Bruneau, Roy Lupton, Almon J. Hook, Bessie Cates, Francisco Delgadillo, Roy McNulty, Dr. S. E. McDaniel, Frank Hilburn.

The witnesses for the defense are: Mrs. James L. Porter, Charles A. Shinn, Louis Hagel, David Harris, James A. Baird, W. H. Cawson, Daniel Shoemaker, Bill Nelson, Jack P. Robinson, Thomas H. Tucker, Charles E. Mitchell, Ed Cox, R. E. Brenner, L. N. Jones, W. C. Calloway, Frank M. Maxwell, Fred Cready, John T. Calloway, Hunter, Dwight B. Stevens, A. W. Wilson, Al Key, Bayler Shannon, W. W. Cox, Steve Birchfield, Eugene Baird, John Hyatt, Lewis Barkdale.

**Porter Has Many Friends.**  
Among Porter's friends who have been on the ground from time to time since he was charged with the killing of Connell, and who still are watching closely the developments of the trial are: T. M. Wingo, vice president of the Grand Valley Bank, El Paso; Norwood Hall, cottonman, Dona Ana county; John Corbett, president of the Bank of Deming; Ed Cox, cottonman, M. T. Riley, Hay Shannon, cottonman, El Paso; H. M. Kelly, president National bank of Deming; West Williams, cottonman, Silver City; J. A. Mahoney, merchant, Deming; Dwight B. Stevens, sheriff of Luna county; John T. McShane, president of the First National bank of Lordsburg; Victor Calloway, of the C. O. S. cattle company, Silver City; W. J. Cox, cattleman, El Paso; Robert Harrington, at Deming; Noris, Walter Birchfield, of the Diamond cattle company, Hatch; Lewis Barkdale, cottonman, Dona Ana county; H. L. Kelly, cottonman, El Paso; John Hunt, Jim Phillips, Phil Pfeister, S. S. Birchfield, cottonman, Luna county; A. W. Wilson, cottonman, Cambray; Among the Otero county delegation are Owen M. Lee, cottonman, Charles Mitchell, president of the Albino State bank; James A. Baird, county treasurer and cottonman; James Hunter, sheriff; Frank M. Maxwell, county assessor; John Seyler, cattle operator; Tom H. Taylor, ranchman and deputy sheriff; Jeff J. Sanders, county commissioner.

**Body Not Touched.**  
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Federico Montoya testified he passed the Porter ranch before the time of the killing on the morning of June 17 and saw both Porter and Tally on the place. On cross-examination he said he was not a close observer and was driving a good fast horse, but he did not know whether the horse could travel a mile in half an hour. Purdy said he recalled seeing the seven photographs which then were offered and admitted over the defense's objection.

John Hilburn testified to passing

# GERMAN ISSUE BELIEVED SURE OF SETTLEMENT WITHOUT WAR

Answer Is Displeasing to Cabinet Officers, but Opinion Is That Reference to Hague Tribunal Is Likely.

## DECISION IS WITH PRESIDENT WILSON

Some Members of Official Family Inclined to Belief That Kaiser Should Make Definite Promise.

Washington, Sept. 11.—The issue with Germany has turned to a less active stage during the last twenty-four hours through consideration of the proposal to take the dispute on the question of the rights in the Arctic case to the Hague.

One set of officials believe to do so would amount to arbitrating the principles for which the United States has been contending and would open the way to further limited submarine operations with disputed questions of fact and arbitration in each case.

Another set of officials believe that without taking in the principles involved, the United States must be allowed to decide whether the submarine commander thought he was justified in sinking the Arctic, because he believed she was about to run him, but whether the liner actually was attempting to evade or escape and if so, whether that justified the commander's act in international law.

**President to Decide.**  
Both sets of views are being aired on President Wilson, who will decide what shall be done. Secretary Lansing refused today to indicate his view. The course to be pursued may not be determined for a day or two. Generally, the indications in official quarters were more favorable. Despite the fact that all officials considered the German explanation completely unconvincing and disapproving there appeared to be more of a prospect for finding some ground on which the two countries could meet.

**Another Note on Route.**  
Another note unofficially reported to have been delivered to Ambassador Loring by the Berlin foreign office last night failed to arrive today. Secretary Lansing said he had no official knowledge or information that another communication was coming or what it contained.

At other sources it was reported that the note is Germany's explanation of the successful attempt to destroy the German liner Omdurum on July 8 when a submarine sent a torpedo which cut her in two. The Omdurum was on her way to the United States and had twenty-two Americans aboard when attacked.

**Omdurum Case Not Official.**  
In the French case there is a conflict of statements as to whether the ship had warnings of being tried to escape. It is not an issue between the United States and Germany and it is not likely to become one. The German note is in response to inquiries made by Ambassador Loring at the direction of the state department. It is not regarded as having any bearing on the present situation unless it contains some declaration of principle which the United States might accept.

The view of the closest observers here is that in the Arctic case, the danger of a break grows less as the hours pass without action.

In the case of Dr. Dumba, Captain Franz von Papen, the German military attaché, and Alexander Sulzer von Persek, Austrian consul general in New York, there was no change. The United States still is waiting for the Austrian reply to the request for withdrawal of Dr. Dumba. Whether the Austrians are sufficiently involved in the Dumba's offense to make their withdrawal in the United States impossible will be decided later.

## RAIDS FROM MEXICO BELIEVED OVER WITH

Brownsville, Tex., Sept. 11.—Col. A. P. Brockman, in command of United States troops at Fort Brown, received a report today that there had been a marked diminution in the reports against Americans among responsible persons on the Mexican side of the Rio Grande.

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## SMALL BANK ROBBED BY MASKED BANDITS

San Antonio, Sept. 11.—A small bank here last night suffered the loss of \$10,000 when masked bandits entered the building and made off with the money. The robbery was reported by a messenger who arrived here early this morning.

## SERBIA DECORATES JOHN D. ROCKEFELLER

Nash, Serbia, Sept. 11.—John D. Rockefeller, president of the American Red Cross, has been decorated by the Serbian government for his work done in the Balkans during the war.

## FRANCE GRATEFUL TO AMERICANS, SAYS JUSSERAND

Chislehurst, Pa., Sept. 11.—John J. Jusserand, the French ambassador to the United States, expressed the appreciation of his country for the work done by Americans in establishing and maintaining the Red Cross and ambulance service in France during the present war in an address delivered today at the 125th anniversary of the battle of Brandywine.

Ambassador Jusserand reviewed the friendly relationship of France to this country as a result of the active part taken in the war of the revolution by Lafayette. He declared that the service rendered by Americans in France during the present war had won the appreciation of the French people.

President Wilson, who had been invited to participate in the exercises, sent a letter of congratulatory note.

## Summary of War News of Yesterday

The flanks of the Russian line continue to hold well, but the Teutonic advance in the center continues, although the progress made is slower than in recent weeks.

Field Marshal von Hindenburg's forces operating toward the Baltic coast, the outcome of which the Germans admit was sometimes in doubt, so strong was the Russian resistance.

Further north also there has been a hard battle near Yelkino, and another south of it, near the village of Alkino. The result of the latter is being waited for. Neither the Germans nor the Russians claim any decisive result in these engagements.

Teutonic forces are fighting for Komoy, north of Stomino, and the Austrians have taken the village of Alkino. The result of the latter is being waited for. Neither the Germans nor the Russians claim any decisive result in these engagements.

The French are considering recruiting in their colonies in China and equatorial Africa and a bill has been prepared for such a step which, if taken, would result in adding 200,000 men to the forces in the field by next spring. It is estimated that because of a further concentration of Belgian troops near the Swiss boundaries, the Swiss government, according to advice from Basel, is considering the advisability of calling out additional troops for safeguarding the northern frontier.

The northwestern frontier of Switzerland runs from the southwestern tip of the German border along the French boundary line.

# CARRANZA CLAIM TO RECOGNITION IS GAINING FAVOR IN WASHINGTON

Military Situation Is Much Changed From What It Was When Anti-American Note Was Delivered.

## CONSTITUTIONALISTS IN GENERAL CONTROL

Villa Agency Denies Claims of First Chief and Resents the Charge That Commander Was Bribed.

Washington, Sept. 11.—General Carranza's position toward the Pan-American diplomatic corps, after a conference with the American ambassador, is much changed from what it was when the anti-American note was delivered.

Although Carranza refused to say whether he would support the appeal of Secretary Lansing and representatives of six Latin-American republics to his jurisdiction in a peace conference, it was indicated that he would support the appeal of the American ambassador to his jurisdiction in a peace conference.

Since the Pan American appeal was issued, Carranza's attitude toward the Pan-American diplomatic corps has been much changed. Carranza's attitude toward the Pan-American diplomatic corps has been much changed.

**Carranza Is Gaining.**  
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**Villa Denies Charges.**  
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## GERMAN STATEMENT IS DENIED BY WHITE STAR

London, Sept. 11.—The White Star Line today denied the statement of a German newspaper that the company was preparing to transport a large number of German soldiers to the United States.

## PEACE RUMORS ARE DENIED BY GERMANY

Berlin, Sept. 11.—The German newspaper today denied the rumors that the German government was preparing to make peace with the Allies.

## PROSECUTION TO DROP CASE AGAINST HYDE

Kansas City, Sept. 11.—The state's case against Dr. H. Clarke Hyde, charged with the murder of Colonel Thomas H. Swann, millionaire philanthropist, probably will be dismissed today in the criminal court here.

Dr. Hyde has been tried three times. He was convicted of first degree murder at his first trial, but the supreme court reversed his conviction. At the second trial he was acquitted. At the third trial he was convicted of first degree murder.

## GOODNOW DECLARES CHINK PAPERS UNFAIR

Washington, Sept. 11.—The Chinese government today declared that the Chinese press was unfair in its treatment of the Chinese government.

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## BERLIN EDITORS SEE JUSTICE IN DUMBA'S RECALL

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## DEAN OF UNIVERSITY OF MICHIGAN IS DEAD

Ann Arbor, Mich., Sept. 11.—Dr. Karl E. Loomis, dean of the University of Michigan, died here today following an operation.

Dr. Loomis was noted as a scientist and was prominent in the educational field. He was in the government employ for twenty years, a member of the faculty of the University of Michigan for four years and dean of the University of Michigan for the last six years.

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# BLOODY BATTLES CONTINUOUS IN FRANCE AND ON RUSSIAN FRONT

Big Movement Is Expected to Occur Soon in West Between Allies and Kaiser's Whole Army.

## SLAV OFFENSIVE IS BECOMING INTENSE

Germans Are Making Frantic Efforts to Seize Strategic Railway Lines Before Winter Begins.

London, Sept. 11.—The western front, with continuous artillery engagements, occasional infantry attacks and the probability that important events now impending will soon bring about a general offensive, the Russian battle fields, where the Russian and Austro-Germans are contending for the mastery of railway lines, the possession of which will make the victors more secure when the time comes to go into winter quarters.

For some time yet, however, the war is likely to be the scene of the most sensational action.

**Snubbing Fighting in East.**  
The Russians are putting forth a strong offensive on either wing and are making an equally stubborn defense in the center, where the Austro-Germans, also gaining ground daily and coming closer to the Vilna-Rovno railway, are meeting with increasing opposition.

Each village, stream and road is proving the scene of a sanguinary engagement. For example, Skidli, a town immediately east of Grodno, which at last has been captured by the Germans, was the center of a battle lasting several days with alternating success. The Germans attacked the town again and again, making heavy artillery for the purpose and, according to the Berlin official statement, did not succeed in overcoming the Russian defense last night.

**Forcing Way to Riga.**  
Throughout the great northwestern front, the point southeastward of Riga, similar contests are being fought. The Austro-Germans are trying by every means to get power to force their way through to the Vilna-Rovno railway before the heavy rains set in and put an end to the fighting for the time being.

In the narrow strip of Galicia between the Serech river and the Beskubian frontier the Russians have been strongly reinforced and are apparently well supplied with guns and ammunition. They report their third victory here over the Austro-German forces bringing their total of prisoners captured during the week up to 22,000, without mentioning the loss of men and guns.

**Austrians Admit Reverses.**  
The Austrians admit that they have suffered a setback in this region. In the statement they withdrew their front on the Serech to the heights east of the Rupa river "before superior enemy forces."

On the northern end of the line, southeast of Riga, the Russians also are strongly reinforced and are apparently well supplied with guns and ammunition. They report their third victory here over the Austro-German forces bringing their total of prisoners captured during the week up to 22,000, without mentioning the loss of men and guns.

**2,500,000 Austro-Germans.**  
The estimates of the Austro-Germans have been 2,500,000 men on the front. Twenty-eight divisions being in the Baltic and the Lithuanian region. Included in this army are eleven Austrian and nine German cavalry divisions.

The Italians, like their western allies, are heavily bombarding their opponents' line with artillery, doubtless in an effort to find a weak spot in the attack.

The Russian of the American government for the recall of the Austro-German ambassador, Dr. Dumba, and the report that other official representations may be similarly dealt with is creating great interest in England.

**GERMANS MAKE GAINS AND INFLECT LOSSES**  
Berlin, Sept. 11.—The German military operations were pushed today by German army headquarters.

Western theater of war: The trenches on Harmanow-Woelkopf in Alsace, which was captured on the night of September 8, have been retaken, despite two attacks by the French.